United Nations A/HRC/39/23

General Assembly

Distr.: General
August 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Safety of journalists

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, prepared in accordance with Human Rights Council resolution 33/2, the United Nations High Commissioner for Human Rights provides an overview of available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms, and considers their effectiveness.

GE.18-12896(E)

1812896

Please recycle

I. Introduction

1. In resolution 33/2, the Human Rights Council requested the United Nations High Commissioner for Human Rights, in consultation with States, the available mechanisms concerned with ensuring the safety of journalists and all other relevant stakeholders, to prepare a report, to be submitted at its thirty-ninth session, on an overview of available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms, with a view to providing an analysis of their effectiveness. The present report was prepared in accordance with that request.

2. In resolution 33/2, the Council expressed "deep concern" at the increased number of journalists and media workers[1] who had been killed, tortured, arrested or detained in recent years as a direct result of their profession. It also condemned unequivocally all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and arbitrary detention, intimidation, threats and harassment, including through attacks on or the forced closure of their offices and media outlets, in both conflict and non-conflict situations.

3. In preparing this report, the Office of the High Commissioner (OHCHR) sought contributions from Member States, international and regional organizations, national human rights institutions and non-governmental organizations.[2] The report also draws on public sources, including those of United Nations entities and human rights mechanisms, academia, practitioners and civil society organizations.

4. In accordance with resolution 33/2, the High Commissioner focuses on the many different types of existing international and regional mechanisms. It builds on the previous OHCHR report on the topic, which provided an overview of the initiatives in national contexts and identified good practices (A/HRC/24/23). A number of the mechanisms discussed below have multiple functions and operate across the prevention, protection, monitoring and complaints spectrum. For example, accountability mechanisms also play critical functions in prevention and protection. Similarly, the monitoring of violations

[1] Journalism is "a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere" (Human Rights Committee general comment No. 34 (2011) on the freedoms of opinion and expression, para. 44). See A/HRC/20/17, paras. 3–5; A/HRC/20/22, para. 26; A/HRC/24/23, para. 9; A/HRC/27/35, para. 9; A/69/268, para. 4; and A/HRC/16/44, para. 47. See also resolution 39 adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its thirty-ninth session (November 2017).

[2] Contributions were received from Bosnia and Herzegovina, Cuba, El Salvador, Germany, Greece, Guatemala, Ireland, Malta, Mauritius, Netherlands, Philippines (Presidential Task Force on Media Security), Qatar, Sweden, Togo and United States of America; and from the following: Americans for Democracy and Human Rights in Bahrain, Association nationale de promotion et de protection des droits de l'homme (Cameroon), Centro de Investigación y Capacitación Propuesta Cívica (Mexico), Comisionado Nacional de los Derechos Humanos (Honduras), Commission on Human Rights of the Philippines, Cultural Survival, Defensoría del Pueblo (Colombia), Equipe Media (Western Sahara), European Bank for Reconstruction and Development, Greek National Commission for Human Rights, Human Rights Defender's Office (Armenia), Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, International Federation of Journalists, International Service for Human Rights, International Media Support, Mexican Commission for the Defence and Promotion of Human Rights, Norwegian Support Committee for Western Sahara, Organization for Security and Cooperation in Europe (OSCE), Procurador de los Derechos Humanos de Guatemala, Reporters Without Borders, ReverdeSer Colectivo (Mexico) and United Towns Agency for North-South Cooperation. The following members of the International Freedom of Expression Exchange network also contributed: Africa Freedom of Information Centre, Albanian Media Institute, Asociación por los Derechos Civiles (Argentina), Centre for Independent Journalism (Romania), Cerigua (Guatemala), Free Media Movement (Sri Lanka), Inter-American Press Association, Observatorio Latinoamericano para la Libertad de Expresión (Peru) and Pakistan Press Foundation.

against journalists is a key component in the prevention of future violations, and thus the protection of journalists from potential future attacks. While each mechanism has been included in the section of the report associated with its predominant function, this does not negate the often multiple contributions that each mechanism makes.

II. Prevention mechanisms

5. In resolution 33/2, the Human Rights Council observed that impunity for attacks and violence against journalists constituted one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists was a key element in preventing future attacks. It also strongly condemned the prevailing impunity and expressed grave concern that the vast majority of those crimes go unpunished, thereby contributing to their recurrence. The Council urged States to do their utmost to prevent violence, threats and attacks against journalists and ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction.

6. The United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity has, since 2012, provided a framework that, under the overall coordination of the United Nations Educational, Scientific and Cultural Organization (UNESCO), has guided United Nations activities on the safety of journalists.[3] On 29 June 2017, UNESCO and OHCHR held a global multi-stakeholder consultation on strengthening the implementation of the Plan of Action. Stakeholders identified achievements, gaps, challenges and recommendations for action. The August 2017 consultation outcome document set out options for different actors (the United Nations, OHCHR, UNESCO, States, regional and intergovernmental organizations, civil society, the media, Internet companies and academia) to enhance the safety of journalists.[4] One initiative resulting from the consultation is the re-establishment of the United Nations network of focal points[5] on the safety of journalists.

7. Statements and reports contribute to prevention by raising awareness, deterrence and accountability. They document violations of the rights of journalists, may identify alleged perpetrators, make recommendations and raise awareness about what is, and what is not, lawful. Structural and behavioural changes can occur if their recommendations are implemented.

8. The Secretary-General regularly makes public statements and raises individual cases privately with States. For example, on 20 April 2018, regarding the security incidents on the border between Ecuador and Colombia, he condemned the kidnapping and killing of three media workers, confirmed on 13 April, and the subsequent kidnapping of two other Ecuadorian nationals.[6] Such statements provide an unequivocal message about the international importance of the safety of journalists.

9. Special procedures of the Human Rights Council, such as the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, perform a key preventive function by contacting States concerning information received regarding alleged violations of the rights of journalists, undertaking country visits to analyse the human rights situation at the national level, making public statements, and submitting reports to the Council and the General Assembly.

---

[3] See https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf, para. 6.3.

[4] See www.ohchr.org/Documents/Issues/Journalists/OutcomeDocument.pdf.

[5] See General Assembly resolution 68/163, para. 7.

[6] See www.un.org/sg/en/content/sg/statement/2018-04-20/statement-attributable-spokesman-secretary-general-security.

10. The Inter-American Commission on Human Rights' Special Rapporteur for freedom of expression conducts activities to protect and promote the right to freedom of thought and expression and promotes the adoption of legislative, judicial and administrative measures to enable the exercise of the right to freedom of thought and expression.[7] Examples include issuing statements relating to attacks against journalists.[8] In her report "Violence against journalists and media workers: inter-American standards and national practices on prevention, protection and prosecution of perpetrators", the Special Rapporteur underlined measures States must take to comply with their obligation to protect the lives, physical integrity and freedom of expression of journalists, outlined States' obligations to prevent violence, protect at-risk journalists and seriously investigate the crimes committed, and made recommendations to improve the circumstances for exercising the right to freedom of expression.[9]

11. The Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE) intervenes on media freedom and the safety of journalists. Statements and legal commentaries call on OSCE States to investigate attacks and address impunity.[10]

12. The African Commission on Human and Peoples' Rights, the Chair of which referred, in November 2017, to the, inter alia, continued harassment, arrest and arbitrary detention of human rights defenders and journalists as of extreme concern to the Commission,[11] has created special mechanisms that can raise issues concerning the safety of journalists. These include the Special Rapporteur on freedom of expression and access to information,[12] who, in April 2018,[13] expressed concern regarding the alleged abduction and assault of a journalist in Mozambique and other cases.[14] The Chair of the African Union Commission has also made relevant statements.[15]

13. Awareness-raising, such as on World Press Freedom Day (3 May) and International Day to End Impunity for Crimes against Journalists (2 November), draws attention to issues facing journalists.

14. In 2018, World Press Freedom Day saw the issuance of statements, including from the Secretary-General,[16] the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,[17] the Special Rapporteur on the situation of human rights in Eritrea[18] and the Council of Europe's Commissioner for Human Rights.[19] In the 2018 joint declaration on media independence and diversity in the digital age, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and counterparts from the OSCE, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights emphasized the essential role of independent media in democratic societies and expressed concern about

[7] See www.oas.org/en/iachr/expression/mandate.

[8] See press releases R95/18 (www.oas.org/en/iachr/expression/showarticle.asp?artID=1102&lID=1) and R76/18 (www.oas.org/en/iachr/expression/showarticle.asp?artID=1095&lID=1).

[9] See www.oas.org/en/iachr/expression/docs/reports/2014_04_22_violence_web.pdf, pp. 176–180. See also the annual report of the Special Rapporteur (www.oas.org/en/iachr/expression/docs/reports/annual/annualreport2016rele.pdf, pp. 528–532).

[10] See www.osce.org/fom/119497.

[11] See www.achpr.org/files/sessions/61st/statements/chair_opening-statement/opening_statement__hon_comm_pansy_tlakula.pdf.

[12] See www.achpr.org/mechanisms/freedom-of-expression.

[13] See www.achpr.org/press/2018/04/d396.

[14] See www.achpr.org/press/2014/06/d209 and www.achpr.org/press/2015/05/d257.

[15] See https://au.int/sites/default/files/newsevents/pressreleases/25783-pr-pr_036_-_release_of_al_jazeera_journalists_-_auc_chairperson_message_-_16_feb_2015.pdf.

[16] See http://webtv.un.org/watch/antónio-guterres-un-secretary-general-on-world-press-freedom-day/5775247352001/?term=&lan=french.

[17] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23026&LangID=E.

[18] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23022&LangID=E.

[19] See www.coe.int/fr/web/commissioner/view/-/asset_publisher/ugj3i6qSEkhZ/content/europe-s-duty-to-protect-journalists?_101_INSTANCE_ugj3i6qSEkhZ_languageId=en_GB.

physical attacks, surveillance and marginalization of independent outlets.[20] In previous years, events resulted in the adoption of the Jakarta Declaration,[21] the Finlandia Declaration[22] and the Riga Declaration.[23] In 2018, UNESCO celebrated the twenty-fifth anniversary of World Press Freedom Day with events on "Keeping power in check: media, justice and the rule of law" in Ghana[24] and Geneva.[25]

15. In 2017, the International Day to End Impunity for Crimes against Journalists was marked by statements and events, including a joint statement by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, that highlighted the killing of over 30 journalists in attacks during 2017 and challenged the public demonization of reporting and specific media outlets and reporters by political leaders at the highest levels,[26] and a regional seminar in Sri Lanka[27] entitled "Reinforcing regional cooperation to promote freedom of expression and the rule of law in Asia through ending impunity for crimes against journalists".[28]

16. International and regional conferences enable awareness-raising, and discussion of and decision-making regarding preventive measures. In 2011, the OSCE Representative on Freedom of the Media and the Lithuanian chairmanship of OSCE organized the Conference on Safety of Journalists resulting in the Vilnius recommendations on safety of journalists.[29] In recent years, UNESCO has organized various conferences concerning the safety of journalists and the establishment of preventive mechanisms, for example, during the Conference on News Organizations Standing up for the Safety of Media Professionals in February 2016,[30] member States, media industry leaders, unions and social media discussed preventive actions that news organizations could take, including adopting newsroom safety protocols, safety training and risk analysis. The Conference on Safety of Journalists and Ending Impunity for Crimes Committed against Journalists in Africa (organized by UNESCO and the Federation of African Journalists in November 2017)[31] adopted the Nairobi declaration on national mechanisms for safety of journalists.[32] The Nairobi declaration emphasized the importance of establishing national safety mechanisms in East African countries and provided for the establishment of a regional committee for safety of journalists. The Conference also adopted the Addis Ababa resolution on the creation of an African Union working group on the safety of journalists and the issue of impunity in Africa,[33] in which the African Union was requested to create a working group on safety of journalists, to be convened by the African Commission on Human and Peoples' Rights, to promote the establishment of national safety mechanisms. The working group is now being established. On 22 March 2018, UNESCO, building on the Secretary-General's latest report on the safety of journalists and the issue of impunity (A/72/290), organized an event on

[20] See www.ohchr.org/Documents/Issues/Opinion/JointDeclaration2May2018_EN.pdf.
[21] See https://en.unesco.org/sites/default/files/jakarta_declaration_4may2017_en.pdf.
[22] See https://en.unesco.org/sites/default/files/finlandia_declaration_3_may_2016.pdf.
[23] See www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFD/riga_declaration_en.pdf.
[24] See https://en.unesco.org/commemorations/worldpressfreedomday.
[25] See www.unesco.org/new/en/geneva/about-this-office/single-view/news/unesco_celebrates_the_2018_world_press_freedom_day_at_un_gen.
[26] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22338&LangID=E.
[27] See https://en.unesco.org/endimpunity-2017/seminar-colombo.
[28] See https://en.unesco.org/news/regional-seminar-sri-lanka-promote-regional-cooperation-foster-freedom-expression-and-ending.
[29] See www.osce.org/cio/78522?download=true, 8 June 2011.
[30] See https://en.unesco.org/events/news-organizations-standing-safety-media-professionals.
[31] See www.unesco.org/new/en/addisababa/about-this-office/single-view/news/promoting_the_safety_of_journalists_and_the_campaign_against-3.
[32] See www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Nairobi/nairobideclarationsafetyjournalists.pdf.
[33] See www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Addis-Ababa/pdf/AddisAbabaResolution2017.pdf.

"safe journalists, strong democracies: how on and offline attacks on women journalists are hurting us all",[34] which discussed preventative measures.

17. The corporate responsibility to respect human rights in the Guiding Principles on Business and Human Rights[35] calls on all business enterprises to adopt a preventive approach. This requires that business enterprises (a) avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; and (b) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.[36] The Guiding Principles apply to all business enterprises, including media companies. Examples of enterprises helping to prevent harm being caused to journalists include the "Statement on human rights defenders and media representatives" of the Fédération Internationale de Football Association (FIFA), which requires bidders and hosts of FIFA tournaments to uphold their commitment to respect and help to protect the rights of human rights defenders and media representatives. FIFA committed to set up a mechanism allowing human rights defenders and media representatives to complain when their rights had been unduly restricted while conducting legitimate work relating to the activities of FIFA.[37] There are examples of business enterprises engaging in multi-stakeholder collaboration to support journalists, such as American Express providing a free hotline, and April International providing worldwide preferential-rate insurance to freelance reporters and photographers, both in collaboration with Reporters Without Borders.[38] Furthermore, business enterprises outside the media sector may need to consider the situation for journalists as part of their human rights due diligence before making decisions about establishing or continuing programmes. This is an indicator of human rights risks that may exist for companies operating in a particular context. In its contribution, the European Bank for Reconstruction and Development reported that, as part of its political assessments, it examined freedom for journalists in its countries of operations and that formed part of its country assessments.

III. Protection mechanisms

18. The applicable international legal framework for the protection of journalists has been described in previous reports on the safety of journalists.[39] A legal framework provides an agreed normative basis upon which all stakeholders at the international and regional levels, and the national/local levels, can determine the legality of acts and, if necessary, activate accountability processes, signal disapproval and concern, call on States and other actors to protect journalists from attack and implement policies, practices and structures to prevent and address future attacks. Indeed, in its 2005 Plan of Action on Protection and Empowerment, OHCHR notes that human rights protection is based on international law and necessarily focuses on both immediate responses when people are threatened, and on longer term work to build and strengthen laws and institutions that protect rights — within States and at the global level.[40]

19. In resolutions, the Human Rights Council highlighted and condemned threats and attacks against journalists and called for States to take action in accordance with their human rights obligations (see A/72/290, para. 45). It expressed deep concern at the detention of journalists in Eritrea and reiterated its call for the Government to provide all relevant information to OHCHR on the identity, safety, well-being and whereabouts of all detained and missing journalists.[41] Regarding the Syrian Arab Republic, it demanded the

[34] See www.un.org/webcast/pdfs/180322am-unesco-journalists.pdf.
[35] A/HRC/17/31, annex, guiding principles 11–24.
[36] Guiding principle 13.
[37] See http://resources.fifa.com/image/upload/ejf1ecdku14lm2v9zc03.pdf.
[38] See https://rsf.org/en/our-supporters.
[39] See A/HRC/24/23, paras. 11–13; A/69/268, paras. 10–12; A/70/290, para. 17; and A/72/290, paras. 13–16.
[40] See http://www2.ohchr.org/english/planaction.pdf, para. 34.
[41] See resolution 35/35, paras. 6 and 8 (o).

immediate release of all persons arbitrarily detained, including journalists.[42] It expressed continued concern at the arrest of journalists in Belarus in March 2017 and infringements on freedom of expression.[43] It expressed concern about the harassment of, and attacks against, journalists and human rights defenders in Yemen.[44] It encouraged the Democratic Republic of the Congo to provide greater protection during elections for, inter alia, journalists.[45]

20. Applying international human rights law, the Council addressed the conditions necessary to protect journalists. In resolution 35/25, it recognized the importance of creating a safe and enabling environment and protecting journalists, whistle-blowers, witnesses and anti-corruption activists from threats arising from their activities in preventing and fighting against corruption. In resolution 33/2 (para. 13), it emphasized that encryption and anonymity tools had become vital for many journalists to work freely and enjoy their human rights and called on States not to interfere with the use of such technologies. In resolution 34/7 (para. 9), it encouraged business enterprises to work towards enabling technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity. It called upon States not to interfere with the use of such solutions, with any restrictions complying with States' obligations under international human rights law (see paragraph 9 of the resolution). It recognized that technical solutions, including encryption and anonymity, to secure and protect the confidentiality of digital communications could be important to ensure the enjoyment of the rights to privacy, freedom of expression and freedom of peaceful assembly and association.

21. The General Assembly of the Organization of American States adopted, in June 2017, resolution 2908 (XLVII-O/17), in which it reaffirmed that journalism must be practised free from threats, physical or psychological aggression, or other acts of intimidation, urged member States to implement strategies to end impunity for crimes against journalists and share good practices and recommended that the Inter-American Commission on Human Rights and its Special Rapporteur for freedom of expression continue with their activities concerning the safety of journalists.

22. Various European institutions have addressed the safety of journalists in recommendations and resolutions. In 2016, the Committee of Ministers of the Council of Europe adopted recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors.[46] The Committee recommended that States implemented the Guidelines set out in the appendix to the recommendation, and review and revise relevant national laws and practice to ensure their conformity with States' obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). The Guidelines consist of four pillars (prevention, protection, prosecution and promotion of information, education and awareness-raising) and provide guidance on how States should fulfil their obligations.[47] In 2017, the Parliamentary Assembly of the Council of Europe adopted resolution 2141 (2017),[48] in which it called on States to fully investigate the violent deaths of a number of journalists, and called on Azerbaijan, Hungary, Russian Federation and Turkey to address specific concerns regarding the situation of journalists.[49] The European Parliament passed a non-legislative resolution in April 2018 calling on States to ensure the personal safety and livelihoods of, inter alia, investigative journalists.[50]

---

[42] See resolution 35/26, para. 20, and resolution 36/20, para. 20.

[43] See resolution 35/27, para. 2.

[44] See resolution 36/31, preambular paragraph.

[45] See resolution 36/30, para. 20.

[46] See https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9.

[47] Ibid., para. 7 and appendix.

[48] See http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23400&lang=en.

[49] Ibid., paras. 7–8, 11 and 13.

[50] See www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2018-0183, para. 8.

23. In 2014, the African Commission on Human and Peoples' Rights adopted resolution 264 on attacks against journalists and media practitioners in the Federal Republic of Somalia,[51] in which it called for investigations into the killing of journalists and appealed for an immediate cessation of harassment and intimidation of media organizations. In its forty-second activity report (January–May 2017), the Commission noted with concern allegations of arrests and harassment of journalists and human rights defenders in Cameroon, Burundi, Eritrea, Sudan and South Sudan.[52]

24. OHCHR, like other international actors, carries out capacity-building as part of its mandate. This involves providing education and information about the safety of journalists, and developing policies and practices within organizations and States to protect journalists. In Guatemala, in 2015, OHCHR (with UNESCO) provided technical assistance to the technical committee on the creation of a mechanism to protect journalists, which led to the creation of a special unit in the Attorney General's Office to investigate attacks against human rights defenders and journalists (see A/HRC/31/3/Add.1, paras. 42 and 46). In Mexico,[53] OHCHR is a member of the governing board of the federal mechanism for the protection of human rights defenders and journalists. It has provided technical assistance concerning the drafting of a protocol to investigate, at the federal level, attacks against journalists; capacity-building for the Supreme Court of the State of Hidalgo; and technical assistance to the Government of the State of Coahuila concerning the creation of a working group on the protection of journalists and human rights defenders. In 2016, OHCHR supported the implementation by the State of Chihuahua of an early warning system for human rights defenders and journalists at-risk.[54] In Colombia, during 2016, OHCHR provided technical assistance to the Attorney General's Office concerning the prioritization of investigations into attacks against human rights defenders, including journalists.[55] OHCHR assisted the National Protection Unit of Colombia in adopting protection measures to address threats facing journalists.[56]

25. In order to further capacity-building and cooperation, OHCHR and the Inter-American Commission on Human Rights signed, on 25 October 2017 during the latter's 165th regular session in Montevideo, a Joint Action Mechanism to Contribute to the Protection of Human Rights Defenders in the Americas.[57] The Mechanism includes journalists within the definition of human rights defenders and emphasizes joint actions to protect human rights defenders in the region.[58]

26. Training contributes to raising awareness and developing a body of professionals who can address the issue of the safety of journalists. In Tunisia, during 2017, OHCHR and UNESCO trained six Tunisian journalists (selected from among 65 journalists trained in 2016) as trainers on press freedom and safety, who will deliver five training sessions for journalists in 2018. UNESCO and OHCHR provided support to the National Union of Tunisian Journalists regarding the establishment of a unit to monitor, report on and follow up on attacks against journalists. Since 2014, UNESCO has organized online training courses on the safety of journalists and freedom of expression for more than 5,000 judges in Latin America, and is replicating the training for judges from East and Southern Africa.[59] With the Inter-American Commission on Human Rights' Special Rapporteur for freedom of expression, OHCHR has carried out workshops for prosecutors to strengthen their knowledge of international and regional standards on the safety of journalists. The Special

[51] See www.achpr.org/sessions/15th-eo/resolutions/264. See also resolution 221 (www.achpr.org/sessions/51st/resolutions/221).

[52] See www.achpr.org/files/activity-reports/42/42nd_activity_report_eng.pdf, para. 43 (viii).

[53] See http://www2.ohchr.org/english/OHCHRreport2017/allegati/11_Americas_2017.pdf, p. 232.

[54] See http://www2.ohchr.org/english/OHCHRreport2016/allegati/Downloads/6_OHCHR_in_the_%20field_2016.pdf, p. 205.

[55] Ibid., p. 199.

[56] See http://www2.ohchr.org/english/OHCHRreport2017/allegati/11_Americas_2017.pdf, p. 221.

[57] See https://news.un.org/en/story/2017/10/569332-un-americas-action-plan-seeks-strengthen-protection-human-rights-defenders.

[58] See www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=22282&LangID=E.

[59] See https://en.unesco.org/sites/default/files/wpfd2018_concept_note_en.pdf, p. 4.

Rapporteur has trained judges and journalists on the protection of free expression by the inter-American human rights system.[60] Civil society organizations deliver training on prevention. The Securing Access to Freedom of Expression Initiative has provided digital and physical security training sessions, and psychosocial care, to over 1,500 media practitioners and social communicators in Central America, Eastern Europe, East Africa, Asia and the Middle East.[61] The Community of Democracies' Working Group on Promoting the Freedom of Opinion and Expression created, with the Committee to Protect Journalists, a toolkit on the safety of journalists for the personnel of diplomatic missions[62] to assist diplomats in dealing with journalists facing safety issues.

27. Public campaigns enhance the protection of journalists through raising awareness about the critical role that they play in democratic societies, the impact of attacks on journalists on their ability to carry out this role and ways to ensure their safety. Civil society actors, such as Reporters Without Borders, the Committee to Protect Journalists and Article 19, often launch global and regional public petitions/campaigns to pressure political leaders to protect journalists, for example, Free Press Unlimited's[63] online petition[64] calling for lawmakers to provide an enabling environment for journalists and for accountability for crimes against journalists.[65]

28. Practical protection mechanisms offer tools and resources to protect journalists. These are specific steps that can be taken to improve the situation and offer immediate or mid-term support to protect journalists at risk. The Shelter City Initiative, organized by Justice and Peace Netherlands, offers temporary respite to human rights defenders, including journalists, allowing them opportunities to recover in a safe space and widen their contact networks, before returning to their work.[66] The initiative comprises 11 Dutch cities and cities in Georgia, Tanzania and Costa Rica.

29. The International Committee of the Red Cross (ICRC) offers protection for journalists in situations of armed conflict. Its hotline enables journalists, their families or employers to report cases of journalists who have been arrested, captured, detained, reported missing, wounded or killed.[67] The four-year action plan of ICRC for the implementation of international humanitarian law contains an objective 3 on enhanced protection of journalists and the role of the media with regard to international humanitarian law. The 32nd International Conference of the Red Cross and Red Crescent received a progress report[68] on the steps taken by States, national societies and ICRC to ensure the protection of journalists, and media equipment and installations. These included integrating the protection of journalists into the international humanitarian law training provided to different militaries, and providing training for journalists in conflict zones.

30. Other hotlines are open to all journalists, and some focus on the safety of women journalists. The European Centre for Press and Media Freedom has a facility for women media workers to inform the centre's staff about attacks against them confidentially, through encrypted messaging.[69] Other platforms for reporting violence against women journalists were highlighted in the Secretary-General's 2017 report (see A/72/290, para. 60).

---

[60] Contribution of the United States.

[61] See www.irex.org/project/safe-securing-access-free-expression.

[62] See www.community-democracies.org/global-activities/convening/working-groups/working-group-on-promoting-freedom-of-opinion-and-expression. See also the contribution of the United States.

[63] See also the contribution from the Netherlands.

[64] See www.freepressunlimited.org/en/manifesto-protect-journalists.

[65] See www.freepressunlimited.org/en/end-impunity-protect-journalists.

[66] See www.justiceandpeace.nl. See also the contribution of the Netherlands.

[67] See www.icrc.org/en/document/protection-journalists-icrc-hotline-faq.

[68] See http://rcrcconference.org/wp-content/uploads/2015/10/32IC-Progress-report-4-year-action-plan-on-IHL_EN.pdf, pp. 15–17.

[69] See https://ecpmf.eu/get-help/womens-reporting-point.

IV. Monitoring mechanisms

31. Monitoring is a proactive method involving the collection, verification, analysis and use of information to address problems in order to improve protection. In this regard, human rights monitoring is a key tool to respond to human rights concerns and crises, identify violations, patterns, causes and possible solutions, further the accountability of States and individuals, and prevent future violations.[70] OHCHR monitors the situation of journalists globally, reports on human rights violations committed against journalists and makes recommendations addressing violations against journalists in accordance with international human rights law.

32. Concerns about the safety of journalists have been raised in reports by the High Commissioner for Human Rights and the Secretary-General (see A/72/290, para. 46, footnote 46). Recently, the High Commissioner addressed the situation of journalists in Sri Lanka, referring to two unresolved cases concerning, respectively, the disappearance and killing of two journalists (see A/HRC/37/23, paras. 35 and 37). He also referred to the safety of journalists in the report on the situation of human rights in Libya, and the effectiveness of technical assistance and capacity-building measures received by Libya (A/HRC/37/46, paras. 47–48). In his report on the situation of human rights in the Islamic Republic of Iran, the Secretary-General drew attention to the reports received by OHCHR indicating that individuals working for the Persian Service of the British Broadcasting Company and their families in the Islamic Republic of Iran had been harassed, intimidated and threatened by the authorities.[71] In his 2018 report to the Security Council on the protection of civilians in armed conflict, the Secretary-General referred to the toll of conflict on journalists, with killings, injuries and threats reported in, inter alia, Afghanistan, the Democratic Republic of the Congo, Iraq, Libya, Somalia, the Syrian Arab Republic and Yemen. The Secretary-General noted that such incidents had a serious impact on independent reporting, which was essential for exposing human suffering, restraining belligerents and building pressure for political solutions and accountability (see S/2018/462, para. 15). In his 2017 report on the same topic, the Secretary-General urged Member States to inform UNESCO of the status of judicial enquiries into killing of journalists, strengthen protection for journalists reporting in conflict situations and prevent impunity (see S/2017/414, para. 32).

33. Special representatives of the Secretary-General brief the Security Council on country situations, including on the safety of journalists. In March 2017, the Special Representative of the Secretary-General for Somalia expressed concern about attacks on journalists.[72] The Special Representative of the Secretary-General for Iraq detailed attacks against journalists and media workers in the Kurdistan region during October 2017, and the decision of the Iraqi federal authorities to ban some media outlets in the Kurdistan region for failing to obtain the necessary licences.[73]

34. The special procedures of the Human Rights Council undertake country visits to look at human rights situations falling within their mandates. Following his January 2017 visit to Mexico, the Special Rapporteur on the situation of human rights defenders outlined the threats faced by journalists and recommended guaranteeing sufficient resources for the National Protection Mechanism for Human Rights Defenders and Journalists at the federal and state levels.[74] The December 2017 joint mission to Mexico undertaken by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Inter-American Commission on Human Rights' Special Rapporteur for freedom of expression reported on sexual harassment against women journalists, reporters

[70] See www.ohchr.org/Documents/Publications/OHCHRIntro-12pp.pdf, foreword, third paragraph.

[71] See A/HRC/37/24, para. 37. See also A/HRC/37/68, para. 34; and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22314&LangID=E.

[72] See https://unsom.unmissions.org/srsg-michael-keating-briefing-security-council-somalia.

[73] See www.uniraq.org/index.php?option=com_k2&view=item&id=8233:briefing-to-the-security-council-by-srsg-for-iraq-jan-kubis-new-york-22-november-2017-as-prepared&Itemid=712&lang=en.

[74] See A/HRC/37/51/Add.2, paras. 33–37 and 115 (l).

forced to flee their homes, killings and disappearances, and pervasive impunity.[75] Following his March 2018 visit to Liberia, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression documented the situation facing women journalists, noting that physical security on assignment may be inadequate, and bad infrastructure and roads made reporting, especially in rural parts of the country, a serious safety issue.[76]

35. Special procedures have raised the issue of the safety of journalists during Human Rights Council interactive dialogues. For example, during the thirty-seventh session of the Council, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, referred to the risks faced by journalists covering corruption, tax evasion and illicit financial flows. Referring to the killings of journalists Daphne Caruana Galizia[77] and Ján Kuciak[78] as of the utmost serious concern, he called on the Council to remain vigilant regarding similar situations.[79]

36. The human rights treaty bodies monitor implementation of the core international human rights treaties and assess States' compliance with their obligations under those treaties (see A/72/290, para. 51). In its concluding observations (2017–2018), the Human Rights Committee[80] and the Committee against Torture[81] raised concerns and made recommendations about the safety of journalists and restrictions on freedom of expression. For example, the Human Rights Committee expressed concern about the allegations of public officials in Serbia publicly vilifying and intimidating media workers, particularly through the prosecution of journalists and members of civil society for expressing their opinions. The Committee recommended that immediate steps be taken to provide effective protection to media workers from all forms of intimidation. It called on Serbia to ensure that all cases were duly investigated and perpetrators of those acts of intimidation prosecuted and appropriately sanctioned. It also said Serbia should refrain from prosecuting journalists, human rights defenders and other members of civil society as a means of deterring or discouraging them from freely expressing their opinions.[82]

37. International commissions of inquiry and fact-finding missions, supported by OHCHR, have monitored violations of the rights of journalists and made recommendations in that regard. The Independent International Commission of Inquiry on the Syrian Arab Republic has addressed this, recently reporting that journalists have been intimidated and arrested for reporting on alleged violations committed by the Syrian Democratic Forces and the international coalition.[83] The United Nations Independent Investigation on Burundi found that human rights defenders and journalists had been the primary targets of systematic repression by the authorities (see A/HRC/33/37, paras. 78 and 81). The Commission of Inquiry documented the issuing of international arrest warrants against journalists and the revocation of licences of independent media organizations, as well as the suspension of the Burundian Union of Journalists, observing that the democratic space enabling journalists to express themselves freely had been severely restricted (see A/HRC/36/54, paras. 15 and 52). The March 2017 (A/HRC/34/63) and February 2018 (A/HRC/37/71) reports of the Commission on Human Rights in South Sudan detailed attacks against journalists and called for the security and freedom of expression of the media to be ensured. Similarly, the Independent International Fact-finding Mission on

[75] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22489&LangID=E.

[76] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22785&LangID=E.

[77] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22262&LangID=E.

[78] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22753&LangID=E.

[79] See http://webtv.un.org/watch/clustered-id-ie-on-foreign-debt-and-sr-on-adequate-housing-8th-meeting-37th-regular-session-human-rights-council/5742256033001.

[80] CCPR/C/TKM/CO/2, CCPR/C/BGD/CO/1, CCPR/C/BIH/CO/3, CCPR/C/COD/CO/4, CCPR/C/LBN/CO/3 and CCPR/C/HUN/CO/6.

[81] CAT/C/PAK/CO/1, CAT/C/BHR/CO/2-3, CAT/C/LKA/CO/5, CAT/C/TKM/CO/2 and CAT/C/RWA/CO/2.

[82] CCPR/C/SRB/CO/3.

[83] See A/HRC/37/72, para. 44. See also A/HRC/31/68, paras. 114 and 155 (g); A/HRC/31/CRP.1, paras. 75 and 78; and A/HRC/30/48, paras. 51, 155–158, and 178 (j).

Myanmar has documented the arrest, detention and possibly lengthy prison sentences of journalists who were investigating alleged human rights violations.[84]

38. The high-level segment of the Human Rights Council has monitored the safety of journalists with statements, during its thirty-seventh session, on the topic by ministers from Canada,[85] Czechia,[86] Mexico,[87] Slovakia[88] and United Kingdom of Great Britain and Northern Ireland.[89]

39. The safety of journalists continues to be raised in the context of the universal periodic review. Some 84 recommendations concerning the safety of journalists were made to States during the twenty-sixth, twenty-seventh and twenty-eighth sessions of the Working Group held in 2016 and 2017. The Netherlands referred in its contribution to its recommendations on issues concerning journalists, for example to Sudan, to protect journalists from violence and arbitrary arrest, address impunity for crimes against journalists and notify UNESCO of the status of the judicial inquiry into the murder of journalists (see A/HRC/33/8/Add.1, para. 140.50) and, to Uganda, to end intimidation, threats and physical attacks on journalists and promote open reporting and commentary on issues of public concern (see A/HRC/19/16, para. 111.75).

40. The 2030 Agenda for Sustainable Development is another important framework through which progression in the area of the safety of journalists will be monitored, measured and assessed. Target 16.10 aims to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements. The safety of journalists is a central component of all efforts by States and other stakeholders to reach this. Indicator 16.10.1 requires quantification of the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates. OHCHR is developing the methodology and data-collection methods for the indicator, with UNESCO and the International Labour Organization.[90] Monitoring and reporting conducted under this indicator will complement existing OHCHR human rights monitoring and analysis of the full range of violations of journalists' rights and help to ensure the effectiveness of approaches to the issue.

41. The human rights components of United Nations peacekeeping operations have been drawing attention to the safety and protection of journalists, often in the contexts of shrinking democratic space, elections and violations of the right to freedom of expression. In September 2016, the United Nations Assistance Mission in Somalia and OHCHR produced a report that described the situation confronting journalists, human rights defenders and politicians in Somalia, including killings, arbitrary arrests and detentions, intimidation, harassment, the closure of media outlets, confiscation of equipment and website-blocking.[91] The United Nations Mission in South Sudan/OHCHR reports on human rights in South Sudan highlighted attacks on journalists and freedom of expression,[92] as did the report on the assessment mission of OHCHR to improve human rights, accountability,

[84] See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22798&LangID=E.

[85] See www.canada.ca/en/global-affairs/news/2018/02/address-by-minister-freeland-to-the-high-level-segment-of-the-37th-session-of-the-human-rights-council.html.

[86] See http://webtv.un.org/search/czech-republic-high-level-segment-4th-meeting-37th-regular-session-human-rights-council/5740975755001/?term=&lan=english&page=10.

[87] See http://webtv.un.org/search/mexico-high-level-segment-4th-meeting-37th-regular-session-human-rights-council/5740975771001/?term=&lan=english&page=9 and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22719&LangID=E.

[88] See http://webtv.un.org/search/slovakia-high-level-segment-4th-meeting-37th-regular-session-human-rights-council/5740975773001/?term=&lan=english&page=9.

[89] See www.gov.uk/government/speeches/lord-ahmad-marks-70th-anniversary-of-un-human-rights-declaration.

[90] See also www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

[91] See www.ohchr.org/Documents/Countries/SO/UNSOM_FreedomExpressionReport_Aug312016.pdf.

[92] See the January 2017 report (www.ohchr.org/Documents/Countries/SS/ReportJuba16Jan2017.pdf) and the February 2018 report (www.ohchr.org/Documents/Countries/SS/UNMISS-OHCHR_Freedom_of_Expression.pdf).

reconciliation and capacity in South Sudan (A/HRC/31/49). In their April 2018 report, OHCHR and the United Nations Support Mission in Libya documented that armed groups across Libya regularly seized and held, outside the legal framework, suspected opponents or critics, including journalists and media workers,[93] and that the Libyan National Army targeted and apprehended media workers, activists and others perceived as critical of, or not sufficiently loyal to, the Libyan National Army.[94]

42. Since 2008, the UNESCO Director General has produced a biennial report on the killing of journalists and the progress of judicial inquiries.[95] The report enables States to take stock of developments and discuss challenges linked to promoting the safety of journalists and combating impunity. The Director General also makes statements concerning the killing of journalists.[96]

43. The Council of Europe's platform to promote the protection of journalism and safety of journalists[97] documents attacks against journalists, including the number of journalists in detention and cases in which impunity persists for the murder of journalists. It compiles, processes and disseminates concerns regarding media freedom and the safety of journalists. The platform also aims to improve protection of journalists by fostering early warning mechanisms, better addressing threats and violence and improving the capacity for responding to them.[98]

44. The Inter-American Commission on Human Rights has produced reports documenting violence against journalists in the Americas, for example in Honduras,[99] Mexico,[100] Guatemala[101] and Venezuela.[102]

45. A number of civil society actors monitor freedom of expression and the protection of journalists. The Committee to Protect Journalists' annual Global Impunity Index[103] ranks countries in which journalists are killed and there is no accountability. Reporters Without Borders produces the annual World Press Freedom Index, which ranks 180 States according to freedom for journalists based on an evaluation of media pluralism and independence, legislative framework and safety of journalists.[104] The Press Emblem Campaign documented the killing of 44 journalists in 18 countries from 1 January to 30 April 2018, compared with 28 journalists during the same period in 2017, an increase of 57 per cent.[105]

V. Complaint mechanisms

46. Complaint mechanisms address allegations about human rights violations and harm suffered. They may adjudicate allegations and determine responsibility and appropriate penalties and/or remedies. Others may be mandated to report facts, ascribe responsibility and make recommendations for addressing the past and preventing future recurrence. By ensuring accountability for violations, complaint mechanisms can deter, and thereby prevent, attacks.

---

[93] See www.ohchr.org/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf, sect. 5.1.

[94] Ibid., p. 19.

[95] See https://en.unesco.org/dg-report.

[96] See https://en.unesco.org/news/director-general-condemns-killing-journalist-abdullah-al-qadry-yemen and https://en.unesco.org/news/director-general-condemns-murder-journalist-karla-turcios-salvador.

[97] See www.coe.int/en/web/media-freedom.

[98] See www.coe.int/en/web/media-freedom/the-platform.

[99] See OEA/Ser.L/V/II, doc. 42/15, paras. 214–215.

[100] Ibid., doc. 44/15, paras. 428–430.

[101] Ibid., doc. 208/17, paras. 249–299.

[102] Ibid., doc. 209/17, paras. 282–308 and 323–327.

[103] See https://cpj.org/reports/Impunity-2017_NEW.pdf.

[104] See https://rsf.org/en/world-press-freedom-index.

[105] See http://pressemblem.ch/pec-news.shtml.

47. Individuals can bring complaints against a State party alleging a violation of treaty rights to the relevant body monitoring the treaty,[106] however, this option has been rarely used in relation to cases concerning the safety of journalists.

48. In accordance with their mandate, special procedures receive information about alleged human rights violations and they can intervene with Governments through communications (urgent appeals and allegation letters). These remain confidential until inclusion in the communications report submitted to sessions of the Human Rights Council. However, in situations of grave concern, special procedures may issue a public statement earlier.[107] The communications report submitted to the Council's thirty-seventh session[108] detailed communications sent concerning the safety of journalists.[109] Examples of public statements issued by special procedures relate to the shutting down of an independent media outlet in the Philippines,[110] legal action by the Islamic Republic of Iran against Persian staff working for the British Broadcasting Corporation and their families,[111] the need for no impunity in Slovakia for recent killings of journalists,[112] a decision by the Egyptian prosecutor to seek the death sentence against a photojournalist[113] and the killing of nine journalists covering an attack in Kabul.[114]

49. UNESCO has a complaints procedure[115] whereby certain individuals, groups of individuals and non-governmental organizations, including journalists, can submit a complaint to the UNESCO Committee on Conventions and Recommendations if they are direct victims or have a sufficient connection to a violation of a right contained in the Universal Declaration of Human Rights falling under the competence of UNESCO.[116]

50. In serious and urgent cases, the Inter-American Commission on Human Rights may, on its own initiative or at the request of a party, request member States to adopt precautionary measures in order to prevent irreparable harm to persons, or the subject matter of the proceedings, in connection with a pending petition or case. The Commission has issued multiple precautionary measures regarding the safety of journalists.[117] In May 2018, the Commission adopted resolution 3/2018, which contained measures to expedite the processing of requests for precautionary measures.[118]

51. The European Court of Human Rights adjudicates on individual or State applications alleging violations of the civil and political rights contained in the European Convention on Human Rights. For example, in 2018 in *Ivashchenko v. Russia*,[119] the Court ruled that Russian customs officers had violated the right to respect for the private and

---

[106] See www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx.

[107] See A/72/290, para. 48, for communications issued between 1 March 2015 and 30 April 2017.

[108] See A/HRC/37/80, sect. III.

[109] UA AZE 5/2017, OTH 28/2017, IRN 29/2017, JOR 3/2017, MLT 2/2017, MMR 7/2017, PAK 6/2017, MMR 4/2017, SOM 1/2017, MRT 1/2017, EGY 7/2017, SLV 3/2017, VEN 3/2017 and MEX 4/2017.

[110] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22610&LangID=E.

[111] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22314&LangID=E.

[112] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22753&LangID=E.

[113] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22807&LangID=E.

[114] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23021&LangID=E.

[115] Under 104 EX/Decision 3.3. Available a. http://portal.unesco.org/en/ev.php-URL_ID=15249&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[116] See www.claiminghumanrights.org/unesco_procedure.html.

[117] PM 5/15 — José Moisés Sánchez Cerezo, Mexico; PM 458/14 — Members of *Kaieteur News Journal*, Guyana; PM 336/14 — Gener Jhonathan Echeverry Ceballos and family, Colombia; PM 252/14 — Members of the *Contralínea* magazine, México; PM 115/11 — Journalists La Voz de Zacate Grande, Honduras; PM 254-10 — Leiderman Ortiz Berrio, Colombia, PM 196-09, Amplification — Journalists from Radio Progreso, Honduras; and PM 36-10 — Rodrigo Callejas Bedoya and family, Colombia.

[118] See www.oas.org/en/iachr/decisions/pdf/Resolution-3-18-en.pdf.

[119] Application No. 61064/10, judgment of 13 February 2018.

family life of journalist Yuriy Nikolayevich Ivashchenko when they seized and copied files and photos from his laptop without sufficient justification.[120]

52. The African Court on Human and Peoples' Rights heard, in 2016, a case concerning the violations of rights of journalists. In *Konaté v. Burkina Faso*, the Court dealt with an accusation of criminal defamation and ruled that a prison sentence was an inappropriate punishment.[121]

53. In 2015, the African Commission on Human and Peoples' Rights heard *Uwimana-Nkusi and Mukakibibi v. Rwanda*.[122] This case challenged the conviction of two female Rwandan journalists to respective prison sentences of four and three years on charges of criminal defamation and threatening national security. A decision remains pending.

54. The East African Court of Justice confirmed in the 2015 case *Burundian Journalists Union v. Burundi*[123] that it had jurisdiction to hear press freedom cases. It ordered Burundi to amend its Press Law as it violated the State's international obligations to uphold human rights, particularly the right to freedom of expression.

55. The Inter-American Court of Human Rights has heard cases concerning the safety of journalists, including two historical cases.[124]

56. Civil society organizations help to bring cases before complaint mechanisms. The Media Legal Defence Initiative provides legal defence to journalists, bloggers and independent media and delivered, in August 2016, its second East African Litigation Surgery in Kampala, which aimed to enhance the knowledge and skills of lawyers from Kenya, Rwanda, Tanzania and Uganda and represent journalists, bloggers and media outlets in national and international courts.[125]

VI. Effectiveness of prevention, protection, monitoring and complaint mechanisms

57. There have been undeniable advancements over recent years to strengthen the safety of journalists and address prevailing impunity for violations of their rights. There now exist numerous prevention, protection, monitoring and complaint mechanisms at the international and regional levels, often with multiple purposes and functions, which are utilized by States, the United Nations system, international and regional organizations, and media and civil society actors in order to enhance the safety of journalists.

58. Since the safety of journalists became an issue of focus at the intergovernmental level, resolutions and other initiatives of the Security Council, General Assembly and Human Rights Council, as well as the United Nations human rights mechanisms, have reaffirmed and elaborated upon the application of pertinent international human rights and international humanitarian norms and standards. The issue has also been rapidly incorporated into the policies and operations of the United Nations, and other international organizations, including through monitoring and reporting, awareness-raising, capacity-building and training. This will be further advanced through the re-establishment of the United Nations network of focal points on the safety of journalists. Similar developments

[120] See also *Özgür Gündem v. Turkey*, application No. 23144/93, judgment of 16 March 2000, in which the Court found that, in part through the State's failure to take adequate protective and investigative measures in relation to the pattern of attacks on persons connected to the newspaper *Özgür Gündem*, there had been a violation of freedom of expression.

[121] See http://en.african-court.org/images/Cases/Judgment/Konate%20Judgment%20Engl.pdf.

[122] Referred to in A/72/290, para. 53.

[123] See http://eacj.org/wp-content/uploads/2015/05/Reference-No.7-of-2013-Final-15th-May-2c-2015-Very-Final1.pdf.

[124] See https://knightcenter.utexas.edu/blog/00-17064-inter-american-court-human-rights-opens-case-against-brazil-death-journalist-vladimir and www.corteidh.or.cr/docs/asuntos/carvajal_06_07_17.pdf (in Spanish).

[125] See www.mediadefence.org/sites/default/files/EALS%202016%20-%20Evaluation%20report_final.pdf.

have occurred at the regional level. Although outside of the scope of the present report, mechanisms that aim to address the broader, underlying conditions, that impact decisively on the safety of journalists, including freedom of expression and opinion, human rights defenders and civic space, constitute an essential part of this international and regional system.

59. However, the safety of journalists is far from secure. Indeed, the situation continues to deteriorate alarmingly, raising legitimate questions as to the efficacy of international and regional mechanisms, or indeed mechanisms at all levels.

60. Only one contribution received for the present report commented on the effectiveness of the international and/or regional mechanisms. It focused on the need for: local and national mechanisms that are supported by international and regional frameworks that take into account the different country contexts and processes and that inform international and regional mechanisms; adequate resources to meet the ambitious nature of the United Nations Plan of Action; a visible, coherent, coordinated strategy underpinning the Plan of Action; and better coordination and information-sharing among international mechanisms, and international and regional mechanisms.[126] A preliminary assessment of effectiveness was provided in the report prepared by UNESCO in advance of the multi-stakeholder consultation on strengthening implementation of the Plan of Action (August 2017).[127] Drawing on responses received from stakeholders, the report concluded that, to be effective going forward, the Plan of Action had to be about embedding safety as an intrinsic responsibility of all actors, and about creating sustainable institutions and processes to address the challenges.[128] It made a number of suggestions for improvements, including enhanced involvement of United Nations entities in the Plan of Action beyond UNESCO and OHCHR and better coordination, cooperation and collaboration among them (including through the United Nations focal points system), greater sharing of information and good practice, expansion of regional initiatives to new regions, greater monitoring and reporting by existing regional bodies, and sufficient resources.

61. As one of the mechanisms actively engaged on the issue of the safety of journalists, OHCHR is restricted in its ability and competence to analyse the effectiveness of other stakeholders. Such a far-reaching analysis would need to be carried out independently of the mechanisms concerned and objectively and impartially on the basis of an agreed and appropriate methodology[129] that could adequately deal with the various dimensions of the issue (including both the wide range of types of mechanism that are currently being utilized in order to enhance journalistic safety and their often multiple roles and responsibilities, as well as the international, regional and national contexts in which they operate). This has been an area of academic research. Further work in this area is needed and welcomed.

62. Moreover, accurately analysing the effectiveness of international and regional mechanisms requires the systematic collection, collation and analysis of disaggregated data over time, of which there is currently a relatively limited amount. Many entities at the international and regional levels (as well as the national level) are monitoring the safety of journalists, and the Sustainable Development Goals framework will provide an important avenue by which specific data will be collected. However, this monitoring and data collection and analysis concerns attacks on journalists. While indirectly relevant to the effectiveness of international and regional mechanisms, it cannot directly be the basis of an analysis of effectiveness.

63. However, the mechanisms themselves could usefully reflect on what could be done to enhance their effectiveness, including as was done by UNESCO and OHCHR with

[126] See contribution of International Media Support.

[127] See https://en.unesco.org/sites/default/files/report_-_multi-stakeholder_consultation.pdf.

[128] Ibid., p. 41.

[129] See www.cfom.org.uk/2017/04/how-to-build-a-methodology-to-measure-the-risk-to-journalists-safety-in-the-round. See also Sara Torsner, "Measuring journalism safety: methodological challenges", in *The Assault on Journalism: Building Knowledge to Protect Freedom of Expression*, Ulla Carlsson and Reeta Pöyhtäri, eds. (Göteborg, Nordicom, 2017), pp. 129–138. Available at www.nordicom.gu.se/sites/default/files/publikationer-hela-pdf/the_assault_on_journalism.pdf.

regard to the Plan of Action through the process that culminated in the multi-stakeholder consultation and the related report and outcome document. The involvement of civil society and media organizations in the multi-stakeholder consultation was a highly valuable aspect of this process and all mechanisms are encouraged to follow a similar, inclusive approach.

VII. Conclusions and recommendations

64. **There have been recent notable and significant achievements in addressing the issue of the safety of journalists at international, regional and national levels. A wide range of prevention, protection, monitoring and complaint mechanisms have been established, often with multiple functions, and are regularly employed to draw attention to the issue, to educate, prevent and protect, monitor violations and report, and pursue accountability. Through these mechanisms, international and regional actors assist States in fulfilling their own primary obligations under international law to protect the rights of journalists and prevent attacks against them.**

65. **Despite the attention given to the safety of journalists at the international and regional levels, attacks on journalists are increasing, raising legitimate questions about the impact of these mechanisms at all levels. This report has highlighted some essential components that are required for an independent and impartial analysis of effectiveness. These include the investment of adequate time and resources, an agreed methodology (taking account of the wide range and multiple roles of the mechanisms and the contexts in which they operate), and the systematic collection, collation and analysis of relevant disaggregated data over time.**

66. **Mechanisms could themselves usefully carry out analyses of the effectiveness of their work, individually and/or in cooperation with other mechanisms and with the involvement of civil society. The multi-stakeholder consultation is an example of a recent evaluation that aimed to constructively assess the impact of the Plan of Action and set out options for a stronger approach going forward.**